

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE DEPARTMENT OF CORRECTIONS

In the Matter of Bruce Gray

**FINDINGS OF FACT,  
CONCLUSIONS, AND  
ORDER**

This matter came on for hearing before Administrative Law Judge Steve M. Mihalchick, for Administrative Law Judge Kathleen D. Sheehy, on April 23, 2007, at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota. The OAH record closed at the conclusion of the hearing.

Krista J. Guinn, Associate Legal Counsel, Department of Corrections, 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108-5219, appeared for the Department of Corrections.

Bruce Gray (Respondent), 22929 Sunny Beach Road, P.O. Box 447, Waskish, MN 56685, did not appear at the hearing in person or through counsel.

**NOTICE**

Pursuant to Minn. Stat. § 270A.09, subd. 3 (2006), this Order is the final decision in this case. Any person aggrieved by this decision may seek judicial review pursuant to Minn. Stat. §§ 14.63 to 14.68.

**STATEMENT OF ISSUE**

Did the Commissioner of Corrections properly require Mr. Gray to pay \$50 in correctional fees pursuant to Minn. Stat. § 241.272, subd. 3 (2006)?

Based upon the proceedings herein, the Administrative Law Judge makes the following:

**FINDINGS OF FACT**

1. On March 21, 2007, the Department sent the Notice of and Order for Hearing in this matter to Bruce Gray, 22929 Sunny Beach Road, P.O. Box 447, Waskish, MN 56685.

2. The Notice of and Order for Hearing contained the following provision:

If respondent fails to attend or otherwise appear at any prehearing conference, or settlement conference, or the hearing in this matter without prior consent of the judge or fails to comply with any interlocutory order of the judge after having been served with a copy of this Order, respondent shall be deemed in default and the allegations or issues set forth herein may be deemed proved, and respondent will be required to pay the Correctional Fees imposed upon respondent pursuant to Minn. Stat. § 241.272 (2004). Judgment for the amount owing may be rendered against respondent without further proceedings.

3. The Notice of and Order for Hearing scheduled a hearing to take place at 9:30 a.m. on April 23, 2007, at the Office of Administrative Hearings.

4. The Respondent did not file any Notice of Appearance with the Administrative Law Judge or contact the Administrative Law Judge to request a continuance prior to the hearing. The Respondent did not personally appear at the hearing in this matter or have an appearance made on his behalf.

5. Because the Respondent failed to appear for the hearing, he is in default.

6. Pursuant to Minn. R. 1400.6000, the allegations set forth in the Notice and Order for Hearing are deemed proved and taken as true, and they are hereby incorporated into these Findings by reference.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

### **CONCLUSIONS OF LAW**

1. The Administrative Law Judge is authorized to hear this matter pursuant to Minn. Stat. §§ 270A.01-.12 and 14.57-.69 (2006).

2. The Department of Corrections has complied with all relevant procedural requirements of statute and rule.

3. Under Minn. Rule 1400.6000, the Respondent is in default as a result of his failure to appear at the hearing.

4. Under Minn. Rule 1400.6000, when a party defaults, the allegations and the issues set out in the Notice of and Order for Hearing may be taken as

true and deemed proved. The Administrative Law Judge therefore takes those allegations and issues as true and deemed proved.

5. Based upon the facts set out in the Notice of and Order for Hearing and attachments thereto, the Respondent was convicted of a crime and was supervised by a field services agent of the Department of Corrections for a term of five months following his release from incarceration. Respondent owes a correctional fee of \$50 for the supervision term from September 5, 2006, to February 9, 2007. The Respondent has not paid the correctional fee of \$50 imposed by the Department pursuant to Minn. Stat. § 241.272, subd. 3. This fee was submitted to the Minnesota Department of Revenue for recapture pursuant to Minn. Stat. Ch. 270A.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

### **ORDER**

IT IS HEREBY ORDERED that pursuant to Minn. Stat. § 241.272, subd. 3, the Commissioner of Corrections is authorized to proceed with revenue recapture in the amount of \$50 under the procedures established by the Department of Revenue.

Dated: April 26, 2007

s/Kathleen D. Sheehy

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KATHLEEN D. SHEEHY  
Administrative Law Judge

Reported: Default